

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Variance

Project Name and Location: Nova Southeastern University, 3301 College Avenue. Generally located at the southwest corner of College Avenue and SW 30 Street.

TITLE OF AGENDA ITEM:

V 1-5-01 Applicant: Nova Southeastern University, petitioner/owner.

REPORT IN BRIEF:

The applicant has requested one (1) variance **FROM:** Section 12-83 of the Land Development Code which limits building heights to a maximum of thirty-five (35) feet in CF, Community Facilities Districts (43.75 feet including stairwell and mechanical equipment) **TO:** allow the stairwells of a proposed parking garage to exceed the allowable height limit by 6.75 feet for a total height of 50.5 feet, and to allow the proposed business school to exceed the maximum height limit by 50 feet for a total height of eighty-five (85) feet.

PREVIOUS ACTIONS: None.

CONCURRENCES:

The Planning and Zoning Board recommended conditional approval of the request at its February 28, 2001 meeting. The approval is subject to verification that the Town has the fire equipment to service buildings of this height, that no additional fire equipment would be required for these buildings, that this verification be made available to the Town Council at time of its review of this item (motion carried 5-0).

FISCAL IMPACT: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Justification letter, Land Use Map, Subject Site Map, Aerial.

Application #: V 1-5-01

Revisions:

Exhibit "A"

Original Report Date: February 23, 2001

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner/Petitioner:

Name: Nova Southeastern University
Address: 3301 College Avenue
City: Davie, FL 33314
Phone: (954) 262-8832

BACKGROUND INFORMATION

Date of Notification: February 21, 2001 **Number of Notifications:** TBD

Application Request: One (1) variance **FROM:** Section 12-83 of the Land Development Code which limits building heights to a maximum of thirty-five (35) feet in CF, Community Facilities Districts (43.75 feet including stairwell and mechanical equipment) **TO:** allow the stairwells of a proposed parking garage to exceed the allowable height limit by 6.75 feet for a total height of 50.5 feet, and to allow the proposed business school to exceed the maximum height limit by 50 feet for a total height of eighty-five (85) feet.

Address/Location: Generally, 3301 College Avenue, generally located at the southwest corner of College Avenue and SW 30 Street. The garage will be located approximately 1,400 feet west of College Avenue, 180 feet south of SW 30 Street, adjacent to, and northeast of the central library now under construction. The proposed business school will be located immediately north of the new library and east of the proposed parking garage.

Future Land Use Plan Designation: Regional Activity Center

Zoning: CF, Community Facilities District

Existing Use: Open Space, surface parking.

Proposed Use: Business school and parking garage

Parcel Size: The proposed structures are situated within the overall university campus, consisting of several hundred acres.

Surrounding Uses:

**Surrounding Land
Use Plan Designation:**

North:	College Campus, Sunforest Apartments	Regional Activity Center , Residential 10 DU/AC
South:	College Campus	Regional Activity Center
East:	College Campus	Regional Activity Center
West:	College Campus	Regional Activity Center

Surrounding Zoning:

North:	CF, Community Facilities District, RM-10, Medium Density Dwelling District
South:	CF, Community Facilities District
East:	CF, Community Facilities District
West:	CF, Community Facilities District

ZONING HISTORY

Related Zoning History: This parcel is inside the Regional Activity Center Future Land Use Plan designation that was adopted by Town Council in 1998.

Previous Request on same property:

Town Council approved petition V 9-3-98 on February 5, 1999, allowing an increase in the permissible height of the library technology center from 35 feet to 85 feet.

Town Council approved petition V 9-3-94 on November 16, 1994, allowing an increase in the permissible height of the health sciences center from 35 feet to 85 feet.

APPLICATION DETAILS

The master site plan for the subject site is currently being reviewed as petition MSP 11-1-00. The applicant is proposing to construct two (2) structures greater than thirty-five (35) feet in height; a fifty and one-half (50.5) foot parking garage and an eighty-five (85) foot business school. The garage will be located approximately 1,400 feet west of College Avenue, 180 feet south of SW 30 Street, adjacent to, and northeast of the central library now under construction. The proposed business school will be located immediately north of the new library and east of the proposed parking garage.

Applicable Codes and Ordinances

Section 12-83 of the Land Development Code limits building heights to a maximum of thirty-five (35) feet in CF, Community Facilities Districts, allowing an additional 25% for mechanical equipment for a total maximum height of 43.75 feet.

Comprehensive Plan Considerations

Planning Area: The subject site falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida

Education Center (SFEC). The planning area also encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities recently annexed into the Town, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Applicable Goals, Objectives and Policies: Policy 10-2 of the Town's Future Land Use Element states that, "Expansion of the South Florida Education Center (SFEC) in a well-planned manner, compatible with adjacent land uses, should be encouraged within the Regional Activity Center."

Policy 10-7 of the Town's Future Land Use Element states that, "Rezoning and variance requests within the RAC shall be evaluated against the comprehensive plan policies relating to the Regional Activity Center designation, and shall further the intent of the RAC....."

Policy 13-3 of the Town's Future Land Use Element states that, "The location of regional community facilities should be encouraged, as appropriate, in close proximity to primary transportation facilities and in areas where such uses are complementary to surrounding existing and planned uses."

Staff Analysis

The intent of the thirty-five (35) foot height limitation for buildings in CF, Community Facilities Districts is to prevent structures from being built that are not in scale with development in the surrounding area. The structures being proposed on the subject site will be situated within a college campus setting that already contains structures that have been granted variances which allow a height greater than thirty-five (35) feet, including the health sciences complex and accessory parking garage (up to 85 feet), and the central library/information technology building (85 feet in height) situated adjacent to the proposed business school and parking garage to which this variance request applies.

Staff therefore finds the variances requests reasonable and in harmony with the development on campus, which encompasses the proposed structures, and with the surrounding area, as the requested variances are consistent with that approved for the adjacent library building. The library building and proposed garage and business school are centrally located on the Nova campus, separated from the nearest low-rise residential structure by more than one-quarter mile, which distance provides sufficient compatibility.

Staff also finds that special circumstances as well as undue hardship apply to this request, as the SFEC campuses are unique in nature compared to neighborhood and community scale community facilities with identical zoning. The SFEC is a centralized, master planned complex of collaborative facilities unlike any other in the Town, bounded on two (2) sides by commercial and industrial uses with permitted height limits of up to 150 feet; far exceeding the allowable height limit in the CF District. Horizontal expansion opportunities are increasingly limited, which places more emphasis on reasonable, vertical expansion.

Recognizing that it is desirable to encourage and facilitate SFEC expansion within its boundaries, consistent with Comprehensive Plan Policies 10-2 and 13-3 of the Town's Future Land Use Element, staff recommends the Town initiate a Code amendment to create a more appropriate height limit for the SFEC. This amendment can also encompass other development standards, if appropriate.

Findings of Fact

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variances requested.

(a) There are special circumstances or conditions applying to the land or building for which the variances are sought, which circumstance or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstance or conditions are such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variance is sought given the property's established use and purpose, and that alleged hardship is not self-created by any person having an interest in the property.

The SFEC is unique among community facilities within the Town as referenced within the staff analysis contained herein. The SFEC is constrained by adjacent development, limiting expansion opportunities. Comprehensive Plan policies direct expansion of the SFEC within its existing boundaries and within the RAC to the maximum extent possible, thus requiring realization of maximum infill potential.

(b) The granting of the variances are necessary for the reasonable use of the land or building for their established purpose and use, and that the variances as requested are the minimum variances that will accomplish this purpose.

Staff finds the requested variances are not excessive and can be considered to be the minimum variances necessary for accomplishing reasonable infill development, as the requested variances are consistent with previously granted height variances, and the affected structures are located centrally within the property in a cluster.

(c) Granting of the requested variances, are in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

As stated in the staff analysis, the height limit for the CF District is intended to help ensure compatibility between community facilities and residential land uses in proximity to each other, and is not reflective of an appropriate height limit for a self-contained, master planned regional facility like the SFEC, situated on over 700 acres of land.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends approval, of petition V 1-5-01. Staff further recommends the Town initiate a

Code amendment to create a more appropriate height limit for the SFEC. This amendment can also encompass other development standards, if appropriate.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended conditional approval of petition V 1-5-01. The approval is subject to verification that the Town has the fire equipment to service buildings of this height, that no additional fire equipment would be required for these buildings, that this verification be made available to the Town Council at time of its review of this item. (Motion carried 5-0, February 28, 2001).

Exhibits

1. Justification letter
2. Land Use Map
3. Subject Site Map
4. Aerial

Prepared by: _____

Reviewed by: _____

EXHIBIT A

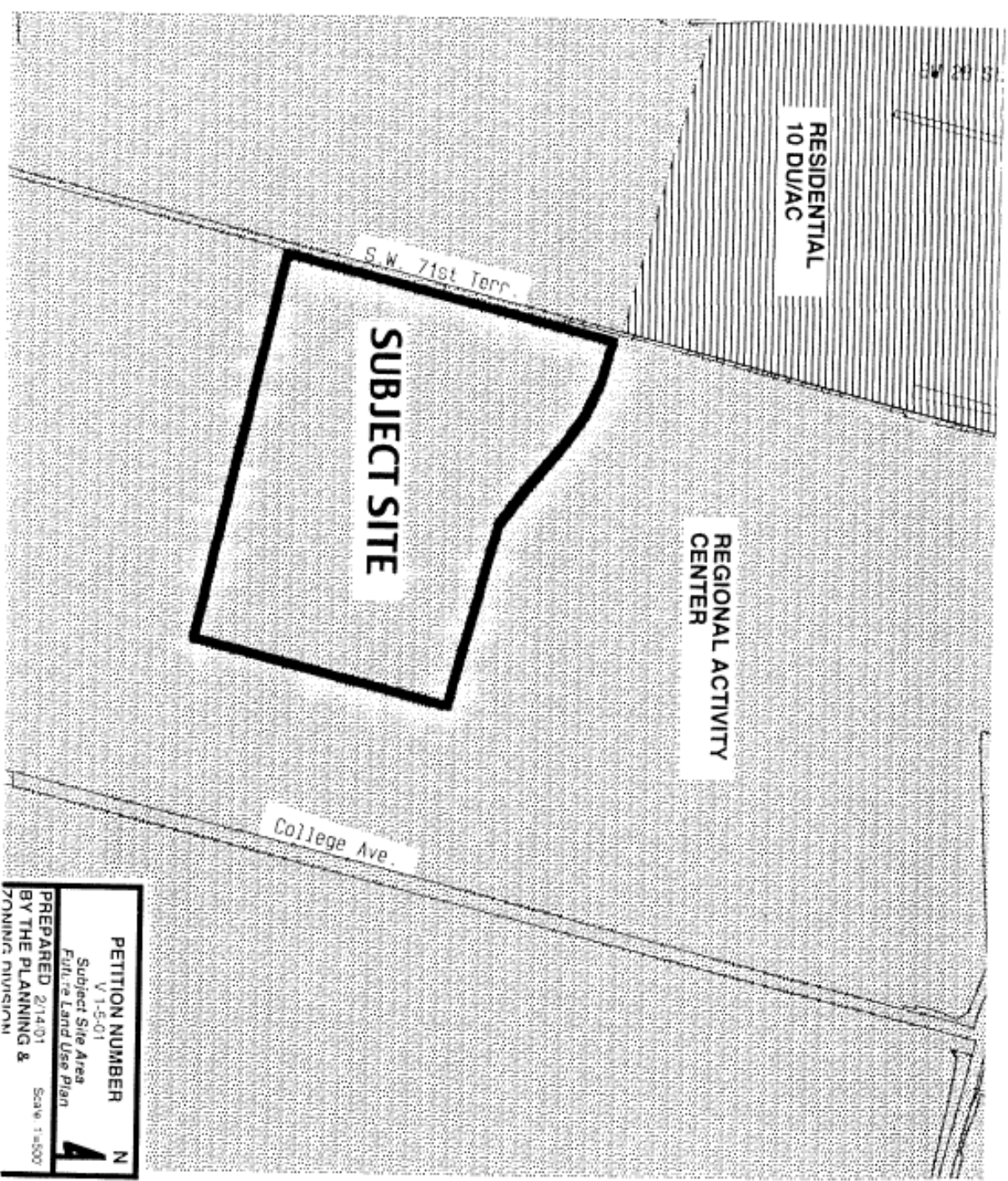
Business School

The first floor slab to top of parapet height is 85 feet. The slab-to-slab vertical spacing is 16 feet from ground floor to second floor and 14 feet thereafter. This is typical of academic buildings on the campus. The increased deck-to-deck spacing is needed to accommodate required structural and mechanical components. The requested overall height is the same as certain buildings already existing on campus.

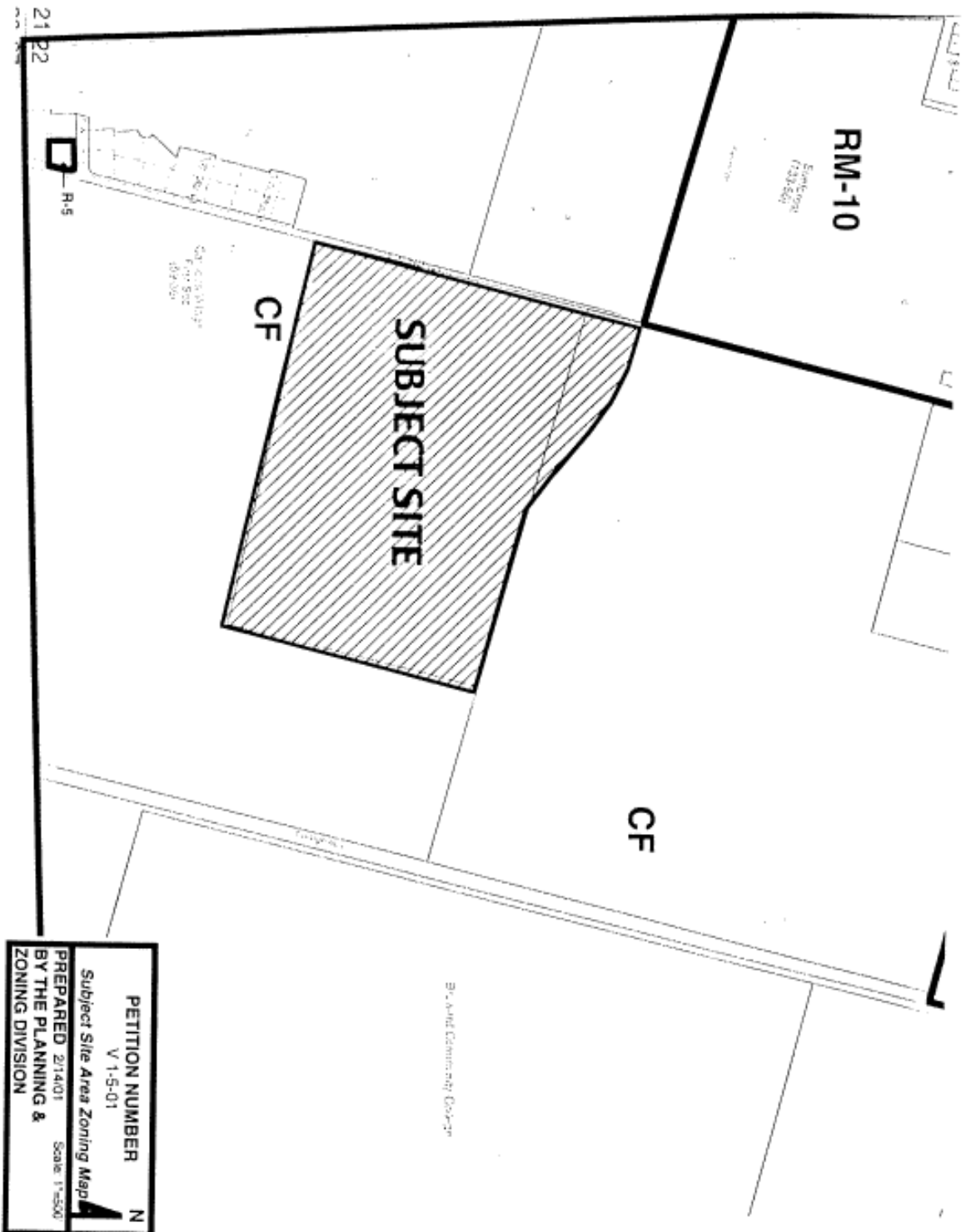
Parking Structure

The first floor slab to roof level is just less than the permitted 35 feet. By necessity, the top of the stairwell/elevator towers extends another 15 feet for a total height of 50 feet. The requested overall height is less than certain buildings on campus including the existing parking structure.

The design characteristics of facilities for higher education require that the 35-foot height criteria in the CV zoning district be exceeded. In addition, buildings that are taller allow for campus development that preserves an open space ratio greater than the Town of Davis criteria of 40%. The requested variances are in keeping with campus development to date and have no negative impact on any of the surrounding SFEC campuses.



PETITION NUMBER N
V-1-5-01
Subject Site Area
Future Land Use Plan
PREPARED 2/14/01 SCALE 1"=500'
BY THE PLANNING & ZONING DIVISION



PETITION NUMBER
V-1-S-01
Subject Site Area Zoning Map
PREPARED 2/14/01 Scale 1"=500'
BY THE PLANNING & ZONING DIVISION

